

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Aug 17, 2020

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

CHARLES HOLLAND,

Petitioner,

v.

DEPARTMENT OF CORRECTIONS
and STATE OF WASHINGTON,

Respondents.

NO: 2:20-CV-284-RMP

ORDER OF DISMISSAL WITHOUT
PREJUDICE

Petitioner Charles Holland, a Texas State prisoner located in Huntsville, Texas, presented this *pro se* Writ of Mandamus on August 14, 2020, without an application to proceed *in forma pauperis* or payment of a filing fee. ECF No. 1. Petitioner indicates that a detainer was lodged against him with his Texas custodian, and he complains that the State of Washington has refused to extradite him, thus violating his speedy trial rights. Plaintiff does not identify the charges or the County in which they arose.

In any event, the Writ of Mandamus was abolished by Rule 81(b) of the Federal Rules of Civil Procedure. Furthermore, a federal court lacks jurisdiction to

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1 issue a writ of mandamus to a state court. *Demos v. United States Dist. Court for*
2 *the E. Dist. of Wash.*, 925 F.2d 1160, 1161 (9th Cir. 1991); *see* 28 U.S.C. § 1651.

3 Accordingly, **IT IS HEREBY ORDERED** that this action is **DISMISSED**
4 **WITHOUT PREJUDICE** to Petitioner seeking an appropriate habeas remedy in
5 the District in which his charges arose and after he has exhausted available state
6 court remedies. *See, e.g., Braden v. 30th Judicial Circuit Court*, 410 U.S. 484,
7 488–90 (1989); *Baker v. Grice*, 169 U.S. 284, 292–93 (1988).

8 **IT IS SO ORDERED.** The District Court Clerk is directed to enter this
9 Order, enter judgment, provide a copy to Petitioner at his last known address, and
10 close the file. The Court certifies that any appeal from this decision could not be
11 taken in good faith, and there is no basis upon which to issue a certificate of
12 appealability. 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b). A certificate of
13 appealability is therefore **DENIED**.

14 **DATED** August 17, 2020.

15
16 s/ Rosanna Malouf Peterson
ROSANNA MALOUF PETERSON
17 United States District Judge
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